



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday, February 17, 2016
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

ZBA Members: Alicia DiBenedetto-Neubauer
Kimberly Wheeler-Johnsen
Dan Roszkowski
Craig Sockwell
Melissa Luciani-Beckford

Absent: Scott Sanders
Tom Fabiano

Staff: Todd Cagnoni – Director, Community & Economic Development
Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer - Assistant City Attorney
Marcy Leach - Public Works
Sandra Hawthorne - Administrative Assistant
Lafakeria Vaughn - Assistant City Attorney
Tim Morris – Fire Department

Others: Alderman Joseph Chiarelli
Kathy Berg - Court Stenographer
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.

- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, February 22, 2016, at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 7:10 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the January 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Scott Sanders and Tom Fabiano absent.

015-LTAB-049

Applicant
Ward 01

542 North Lyford Road

James John / Tower Gas Inc. d/b/a Tower BP

Sale of package liquor in conjunction with a gas station and convenience store

Sale of tobacco products in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

Laid Over from January meeting

James John, Applicant, reviewed his request for sale of package liquor and tobacco. Mr. John explained there is a change of ownership for this business requiring a new application. The convenience store currently has package liquor and tobacco sales.

Attorney Hammer asked Mr. John if he had an opportunity to review Staff's recommendations and is willing to comply. Mr. John stated he does agree to comply. He further stated he owns 6 gas stations in Chicago and would like to come to the Rockford area.

Staff Recommendation is for Approval of both requests with (8) conditions. No objectors or interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of package liquor in conjunction with a gas station and convenience store and the sale of tobacco products in conjunction with a gas station and convenience store in the name of James John / Tower Gas Inc. d/b/a Tower BP in a C-3, General Commercial Zoning District at 542 North Lyford Road. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire, liquor and tobacco codes.
2. The sale of liquor and tobacco shall be limited to the submitted interior floor plan Exhibit E.
3. The sale of liquor shall be restricted to the hours permitted by the Liquor Ordinance.
4. Inside signage cannot exceed more than 20% of window surface.
5. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. There shall be no single serving sales of liquor, beer or wine in volumes of 12 ounces or less.

016-LTAB-001

Applicant
Ward 02

2320 Charles Street

Philip Salamone & Benny Salamone / Twins 75, LLC d/b/a Caesars Place
Sale of liquor by the drink in conjunction with a restaurant and video gaming facility in a C-3, General Commercial Zoning District

Attorney Jim Rodriguez, Benny Salamone and Rosalie Salamone were present. Attorney Rodriguez discussed the photographs in Staff's report showing the poor condition of the property. He explained the Salamones have operated a restaurant in Cherry Valley called Salamones for 16 years. It is their intent to maintain that business and they wish to establish a similar business in Rockford. The Cherry Valley restaurant has had a liquor license since its opening. It is the intent of the Applicants to use their experience to bring the subject property into good standing. They have had training in "specialty coffee" and will be offering these coffees at this Charles Street location. They will have a centralized kitchen with seating around the kitchen area, 4 booths, 10 tables, and 12 counter seats. Attorney Rodriguez explained this type of use is what the State had in mind when they passed the law on gaming – a true restaurant atmosphere with some gaming machines.

Attorney Rodriguez pointed out that there will be substantial investments made on this property by the Salamones. The exterior landscaping already meets at code requirements. He pointed out the renderings for improvement submitted in Staff Report showing the south elevation adjacent to Charles, and the east elevation adjacent to St. Louis show his client's intent to upgrade this property. He feels this fits into the other restaurants in the surrounding area such as Sam's Pizza and Stockholm Inn. The applicants intend to make this establishment a restaurant use and not a bar or a nightclub. In 2014 the Applicants came before the Board with an application for liquor sales but this current application is for the intended primary use to be a restaurant. The applicants felt this was not clearly conveyed in their previous application.

Angela Hammer asked Attorney Rodriguez if his clients were agreeable to recommendations to which they responded they were. She further asked if they have been made aware of the minimum of 50% requirement now if effect and Attorney Rodriguez stated "absolutely".

Craig Sockwell asked how many parking stalls were available. Attorney Rodriguez stated the site plan in the packet shows 14 parking spaces and 1 bike space. Mr. Capovilla clarified this is an older site and Staff is comfortable with this amount of parking. It was also explained by Attorney Rodriguez that the notation of a space for "Potential for two cars for sale" was a mistake by the architect and there is no intent to sell vehicles. Mr. Salamone stated they currently have one entrance and it is their intent to put in a second one. Attorney Rodriguez stated if there is any problem with the entrance location shown on the site plan location or the second entrance itself, the Applicants will work with Staff and Public Works. Ms. Salamone stated this restaurant style will be similar to Panera's.

Staff Recommendation was for Approval with (16) conditions. Objectors were present.

Mark O'Donnell was present as an Objector. He stated he has a competing business in the strip mall 200 feet away called "Slots of Fun". He stated he was confused as to why the applicants were denied by City Council in August 2014 and Staff Recommendation is now for Approval. He stated the Stockholm Inn does not have liquor nor video machines – Sam's Restaurant has liquor but no machines. He stated there is an R-1 District all the way back to St. Louis. Walgreen's just received a license for packaged liquor sales between the time of the Applicant's past application and now. He questioned why the Applicant's have not put in a restaurant before this time if that was their main intent. He further stated he has heard there may be EPA issues at this location and questioned if that has been looked into. He stated the Applicants do a great job at their Cherry Valley Restaurant. He requested that the Board look into their intent at the subject property further before making a decision.

Anthony DiTullio was present and also expressed his objections. He stated he is a business owner nearby and is concerned with the location of gambling in the neighborhood. He stated he has a problem with someone bringing something into the neighborhood that is not completely positive. He feels the area is saturated with liquor sales and feels gambling establishments will become predominant in the area.

Mr. DiTullio stated he feels the area is challenged economically. He stated the perception of this application would not invite positive development into the area.

Erik Jacobs, the Attorney was present representing JLT LLC, owner of the strip mall. He stated his client has an investment in the strip mall which includes the gambling establishment Slots of Fun previously discussed by Mr. O'Donnell. Attorney Jacobs feels beer, wine, and food sales will be the secondary use of the property with gambling the main use. Attorney Jacobs stated there is no rationale for this percentage to "flip-flop". He questions what changes have been made from the first application that was submitted and denied. He questions the business being open until 2:00 AM during the week and Sunday nights. He feels the only thing occurring at those hours of the morning will be alcohol and gambling.

In response, Attorney Rodrigues stated the Applicant's business is a Restaurant. They have operated as a restaurant successfully for many years at another location and it is their intent to do the same at this establishment. He feels the Objections are really focused on competition to their business, not the location. Mr. Salamone stated they are investing \$200,000 - \$250,000 in this property and are not making this investment just to bank on machines. They are restaurateurs and that is what they do. The gaming portion is just to protect their investment.

Regarding thoughts of EPA violations and what Objectors may have heard, Attorney Rodriguez stated the people they are hearing things from are not at this meeting to provide any input. If the City does not like the way the business is being run, or if the business turns out to be operated as something other than a restaurant, the City has the option of shutting them down. Copies of the statement of objections to the first application had been presented, and in response to that, Attorney Rodriguez asked that the Board review these 200 signatures to see who actually lives in the area, and that the petition submitted for the application in 2014 actually is applicable to what is being proposed at this time.

Scott Capovilla explained that a lot has changed since the last application was presented in 2014. At this time there is a brand new ordinance, and under the new law 50% of sales must be food and alcohol. This aspect alone would allow the Applicants to apply and this is what Staff based their recommendation of Approval on. Once the business is up and operating, the City Liquor Commission has the right to review revenues and if it does show up to be a gaming site the City can shut them down.

Dan Roszkowski stated Salamone's restaurant is truly a restaurant and bar and not a gaming establishment. Alicia Neubauer stated she is in this area frequently and does not feel comfortable having another liquor establishment in this area. Craig Sockwell asked Staff how the Alderman of the Ward felt. Mr. Capovilla stated he has not heard anything from the Alderman of the Ward and normally if the Alderman has concerns they would come to him to discuss.

A **MOTION** was made by Kim Petersen to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and video gaming facility in the name of Philip and Benny Salamone of Twins 75 LLC d/b/a Caesars Place in a C-3, Commercial General Zoning District at 2320 Charles Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 4-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of liquor by the drink shall be limited to submitted Exhibit E.
5. Submittal of a dumpster detail with enclosure material and Dumpster Enclosure Permit for Staff review and approval.
6. The hours of operation will be limited to 7:00 A.M. to 2:00 A.M. Monday through Saturday.
7. The hours of operation will be limited to 9:00 A.M. to 2:00 A.M. Sunday.
8. Window display signage is limited to 20% of window area.
9. The restaurant shall not have a cover charge.
10. The restaurant shall not have a dance floor.
11. The restaurant shall not have any DJs.

12. The restaurant shall not operate as a nightclub.
13. That the windows shall not be covered with bars or other devices that block the windows.
14. That there shall not be temporary exterior signage.
15. That the subject property shall be in compliance with Exhibits D and E including the removal of the abandoned apron on St. Louis Avenue which must be replaced with a grass terrace prior to the establishment of the use.
16. All conditions just be met prior to the issuance of the new liquor license.

With no further business to come before the Board, the meeting was adjourned at 8:15 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
[Liquor & Tobacco Advisory Board](#)